REMARKS

Claims 1 through 9 stand rejected. Claims 10-12 have been canceled without prejudice to their prosecution in a divisional patent application. Applicant has amended Claim 1 and has added new Claims 13-15. Thus, Claims 1-9 and 13-15 are presented for examination in view of the foregoing amendments and the following remarks. Applicant respectfully requests entry of the amendments and following remarks.

Rejections under 35 U.S.C. § 102(e) and 103(a) based upon MacFarlane (U.S. Patent No. 6,672,157)

The Examiner rejected independent Claim 1 as being unpatentable over U.S. Patent No. 6,672,157 to MacFarlane. The Examiner rejected dependent Claims 2-9 as being unpatentable over combinations of MacFarlane, U.S. Patent No. 4,846,466 to Stima, III, U.S. Patent No. 4,730,829 to Carlson, and U.S. Patent No. 6,231,481 to Brock.

Amended Claims 1 recites, among other limitation, "generating an output that represents at least the measured velocity and calculated power for a plurality of exercise strokes." As explained in Applicant's specification and illustrated in Figure 11, the described method can be advantageously used to determine the resistance level and velocity where a person has the greatest power. Figure 11 illustrates one example of a generated output and shows four continuous graphs with each graph representing plots of discrete data points. The data points are interconnected with straight lines to enable the data to be more easily visualized.

As agreed during the interview, MacFarlane does not disclose or teach generating an output of measured velocities and calculated powers. The disclosure in MacFarlane does not even recognize or acknowledge a need to generate any output that represents at least the measured velocity and calculated power for a plurality of exercise strokes, or provide any motivation to generate such a graph. The remaining applied art does not cure this deficiency in MacFarlane.

Claims 2-9 depend directly or indirectly from Claim 1 and, thus, are patentable for at least the same reasons that Claim 1 is patentable over the applied art. Therefore, allowance of Claims 1-9 is respectfully requested.

New Claims 13 through 15

Applicant has added new Claims 13 through 15 to provide differing scopes of protection for certain features of the claimed method. Applicant submits that these claims are not anticipated or rendered obvious by the applied references. Consideration of these claims is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the securement devices recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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